

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ESTEBAN FLORES BARRETO PELON, ENRIQUE J.
BALDERAS, FRANCISCO FLORES BARRETO, EDGAR
EDUARDO MONTERROSO LOPEZ, DAGOBERTO FLORES
BARRETO, HECTOR PLIEGO MASTACHE, HILARIO
BARRETO GARCIA (A.K.A. WILLY), JOSE MANUEL
BARRETO CORTEZ, JUAN ZEFERINO, JOSE VICTOR
GARCIA CASTELAN (A/K/A VICTOR GARCIA), SERGIO
GARCIA CASTELAN, BALTAZAR DE LOS SANTOS
HERNANDEZ, EDUARDO DE JESUS NORIEGA, FABIAN
DE JESUS GREGORIO, HONORIO CANDIA LIBRADO,
JUAN CARLOS CARDENAS, MARCELINO CRUZ, MELVIN
RAMIREZ, MILAN FLORES HELADIO, RAUL VILLEGAS
PERALTA, ANTONIO LOPEZ, JUAN PABLO BARRETO
ANZURES, OCTAVIO PERALTA MARCELO, WILMER
BATEN, SIXTO VICENTE, ELICIAS LORENZO MEJIA
SAPON, JILMAR RAMIREZ (A/K/A JOSE PEREZ), RAFAEL
VALENCIA ORTEGA, and JUAN JOSE CRUZ GARCIA, *on
behalf of others similarly situated,*

Plaintiffs,

v.

GABI OPERATING CORP. (D/B/A MARINARA PIZZA
(F/D/B/A SABA'S PIZZA)), BRITTGAB CORP. (D/B/A
SABA'S PIZZA), PIZZA 84 LLC (D/B/A MARINARA PIZZA),
PIZZA 54 INC. (D/B/A MARINARA PIZZA), MOSHGAB
CORP. (D/B/A SABA'S PIZZA), PIZZA 26 LLC (D/B/A
MARINARA PIZZA), PIZZA 10 LLC (D/B/A MARINARA
PIZZA), GABRIEL WEISER and JONATHAN BANAYAN,

Defendants.
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Docket No.: 19-CV-00502 (RWL)

**MODIFICATION TO CLASS
AND COLLECTIVE ACTION
SETTLEMENT AGREEMENT
AND RELEASE**

It is hereby agreed that the Class and Collective Action Settlement Agreement and Release in this matter, which was granted preliminary approval by this Court on August 5, 2022, (the "Agreement") is modified as follows, in accordance with section 5.12 of the Agreement:

The parties hereby agree that Mr. Luis Garcia ("Mr. Garcia") shall be added as a class member in this action for settlement purposes only. Mr. Garcia claims to have worked for Defendants for approximately three to four months; however, at this time, Defendants have no record of Mr. Garcia working for any Marinara Pizza or Saba's Pizza restaurant. The parties also agree that as per section 2.2(B) of the Agreement, if the Agreement is not approved by the Court

with finality, the Litigation will not be conditionally certified as a class or collective action, and thus Mr. Garcia will not be deemed an official class member.

This modification is intended strictly for settlement purposes only.

Mr. Garcia's estimated Individual Settlement Amount is \$61.40 as determined by the claims administrator Rust Consulting. That amount shall be added to the maximum settlement amount and the Settlement Common Fund, so that the maximum settlement amount shall be modified from \$86,832.00 to \$86,893.40 and the Settlement Common Fund shall be modified to an amount that is up to \$86,893.40.

Rust Consulting, Inc. shall mail a claim form package to Class Member Mr. Garcia by November 22, 2022.

The claim form deadline with respect to Class Member Mr. Garcia, only, shall be extended from November 20, 2022¹ to December 6, 2022.

Dated: New York, New York
November 21, 2022

By: 

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¹ As per Section 1.4 of the Agreement, since the Claim Form Deadline falls on a Sunday, the Claim Form Deadline is extended to the next business day, i.e., November 21, 2022.